



## Yellowstone County Zoning Commission Minutes for the Meeting of October 12, 2004

The County Zoning Commission met on Tuesday, October 12, 2004 in room 403A, 4<sup>th</sup> floor of the Yellowstone County Courthouse.

Oscar Heinrich, Chairman, called the meeting to order at 4:00 p.m.

Commissioners and Staff		1/12/04	2/9/04	3/8/04	4/12/04	5/10/04	6/14/04	7/12/04	8/9/04	9/13/04	10/12/04	11/8/04	12/13/04
Oscar Heinrich	Chairman	1	CANCELED	1	1	CANCELED	1	1	CANCELED	1	1		
Jerome Musselman	Vice-Chair	1		1	1		-	1		1	1		
Chuck Hensley	Commissioner	E		1	E		V	V		V	*	*	*
Al Littler	Commissioner	1		1	1		1	1		1	1		
Joan Hurdle	Commissioner	1		1	1		1	1		1	1		
Dennis Cook	Commissioner	-		-	-		-	-		-	1		

**Chairman Heinrich** introduced the County Zoning Commission members and staff in attendance:

Nicole Cromwell, Planner II/Zoning Coordinator  
Karen Miller, Planning Clerk  
Wyeth Friday, Planner I  
Aura Lindstrand, Planner II

### PUBLIC COMMENT

There were none.

### Approval of Minutes:

*On a motion by Commissioner Cook, seconded by Vice-Chair Musselman and passed by a 5-0 voice vote, the minutes for the meeting of September 13, 2004 were approved as distributed.*

### **Public Hearings:**

**Chairman Heinrich** reviewed the rules for the procedure by which the public hearings will be conducted. **Chairman Heinrich** said the applications heard at this meeting would be forwarded to the BOCC at their meeting of October 26, 2004.

### **Item #1        Zone Change #574:**

**Mr. Friday** read the legal description and reviewed the staff report. He pointed out the property location on the overhead projector for the audience and reviewed the existing surrounding properties while explaining the existing zoning surrounding the subject property. He said staff is forwarding a recommendation of approval. He explained the reasons for the staff decision.

### **REQUEST**

This is a zone change request from Residential-15,000 to Community Commercial on Lot 7A of the Sunrise Subdivision in Lockwood. The property is located at 1840 Old Hardin Road.

### **APPLICATION DATA**

OWNER:	Daniel Bowman
LEGAL DESCRIPTION:	Lot 7A, Sunrise Subdivision Amended
ADDRESS:	1840 Old Hardin Road, Lockwood
CURRENT ZONING:	Residential-15,000
PROPOSED ZONING:	Community Commercial
EXISTING LAND USE:	A single family home
SIZE OF PARCEL:	32,818 square feet

### **APPLICABLE ZONING HISTORY**

**Zone Change #367:** November 27, 1984. Change from Neighborhood Commercial to Community Commercial on Lots 11-13 of the Sunrise Subdivision, 1<sup>st</sup> Filing (These lots are just to the east of this site on Old Hardin Road).

**Zone Change #440:** July 27, 1993. Change from Residential-15000 to Community Commercial on Lot 10 of the Sunrise Subdivision, 1<sup>st</sup> Filing (This lot is just to the east of this site on Old Hardin Road).

**Zone Change #460:** August 3, 1995. Change from Residential-15000 to Community Commercial on Lots 8A and 9A of the Sunrise Subdivision, 1<sup>st</sup> Filing (These lots are where Lockwood Mini Storage is currently located).

### **Discussion:**

**Mr. Friday** reviewed the correspondence with the neighboring property owners. One had expressed concern regarding the use on the lot, however there were no additional comments received in writing.

**Commissioner Hurdle** asked if the ditch would be impacted.

**Mr. Friday** explained the ditch would continue to be maintained as it had been. He pointed out the location of the ditch on the overhead projected map.

**Commissioner Hurdle** said if the applicant wanted to extend the building he would have to build over the ditch.

**Commissioner Musselman** said the restrictions would not allow them to build over the ditch.

**Mr. Friday** clarified that the location of the ditch is not on the other side of the lot from where they intend to build. He said it is not located where they would be able to build over it.

**Commissioner Hurdle** asked what type of landscaping would be required.

**Mr. Friday** explained the requirements that are required for that designation.

**Commissioner Hurdle** said the requirements for the new portion would be more restrictive than the existing.

**Mr. Friday** clarified that the restrictions have been in place, however, they have not been strictly enforced. He said the current restrictions will be maintained for the property from this point forward.

**Commissioner Hurdle** asked whether or not it complies with the Growth Policy. She asked if the plan was to make Old Hardin Road a strip commercial area.

**Mr. Friday** explained that the Lockwood community group is currently working on the plan to design the area. He reviewed the items that the community of Lockwood has been reviewing for a community plan.

**Commissioner Hurdle** reviewed the low to moderate income locations on the map. She objected to the idea of making this a commercial strip and suggested consideration of affordable housing as per the zoning regulations.

**Mr. Friday** said Lockwood Community meeting is scheduled for October 28, 2004 and the focus group would be reviewing the area for future development or modification.

**Chairman Heinrich** asked if there was anyone in attendance wishing to speak in favor of or in opposition to Zone Change #574.

*The public hearing was opened at 4:31 p.m.*

**Applicant:**

**Wendy Bowman**, 6084 Ironwood Drive, said her husband was the original developer of the mini storage. She said their intention was to move the existing house and put in additional

storage units. The 175 existing units are currently occupied and 90 % of the people renting the units live off of Old Hardin Road.

**Commissioner Hurdle** said she was curious as to the rear area of the lot and what it would look like.

**Ms. Bowman** clarified that there was grass to the fence then a road to the building.

**Commissioner Hurdle** asked how many buildings were currently on the lot.

**Ms. Bowman** said there are 9 buildings and 175 storage units.

**Chairman Heinrich** asked if there was anyone else in attendance wishing to speak in favor of or in opposition to Zone Change #574.

There were none.

*The public hearing was closed at 4:35 p.m.*

**Discussion:**

**Chairman Heinrich** asked for clarification as to the landscaping and setback requirements for the property. He asked if the new requirements would be enforced on the old parcel.

**Ms. Cromwell** said the new requirements could only be imposed on the new zoned lot.

**Vice-Chair Musselman** asked if a chain-link fence with the vinyl sections would be considered sight obscuring.

**Ms. Cromwell** reviewed the code section 27-1105 required buffer yards and 27-1107 that prohibits chain-link fencing.

**Vice-Chair Musselman** said that there is a security issue. He said a hedge or other type of fence would not be secure for a commercial lot.

**Ms. Cromwell** reviewed the allowable fencing material. She said unless the wording of the code is modified chain-link fencing is prohibited.

**Commissioner Littler** asked what type of fencing the storage place on the 200 block of Broadwater.

**Ms. Cromwell** said they used vinyl fencing and also have security on site 24 hours.

**Commissioner Hurdle** said there is more to the issue than the fence. She stated that it is still an ugly site and a fence would not hide that. She said that she could not support this change with the area of residential in the vicinity.

**Motion:**

*On a motion by Commissioner Littler and seconded by Vice-Chair Musselman, and passed by a 4-1 voice vote, with Commissioner Hurdle voting against the motion, a recommendation for approval of Zone Change #574 will be forwarded to the BOCC at their meeting of October 26, 2004.*

**Item #2 Amendments to the Unified Zoning Regulations:**

Amendments to the Unified Zoning Regulations to change allowable time periods, permitting and bonding requirements for temporary uses in residential and nonresidential zoning districts. (Section 27-614).

**Ms. Cromwell** reviewed the staff report for the Commission and members of the public. She said this is an amendment to the Unified Zoning Code Section 27-614. It was initiated by the City Council in April, 1004 and the Board of County Commissioners concurred with their recommendation. She said this proposed change is slightly different than the proposal that was approved by the City Zoning Commission on October 5, 2004. She said the City Zoning Commission wanted to modify the restriction and enforcement of temporary use permits, and seasonal permits. She reviewed the issues that have come up with regard to seasonal permits.

**Ms. Cromwell** reviewed the Council and the BOCC recommendations. She reviewed the restrictions that the City Zoning Commission wanted to implement with this temporary use permit application process. There have been complaints in the residential. There have not been any in the commercial/industrial areas. The City Zoning Commission wanted to eliminate the bond requirements. The City Council is scheduled to review the recommendations on October 25, 2004. If the County Zoning Commission forwards a recommendation it will be heard by the BOCC at their meeting of October 26, 2004.

**Commissioner Hurdle** asked what the original reason for requiring a bond was.

**Ms. Cromwell** said it was initiated to ensure that the property used for the temporary use was cleaned up after their use was completed. Originally the users of the leased lots would have been out of the area and not on site. We have never had to use the power of the bond to clean up a lot.

**Commissioner Hurdle** asked if any area could have a fireworks stand.

**Ms. Cromwell** reviewed the restrictions of the fireworks stands stays the same and that portion would not change. She said the sign restrictions had been clarified and will be

enforced. They will still have to post a 1500 check that would be held until the site has been cleaned up. The checks are not deposited but held until the permit expiration.

**Commissioner Littler** asked that we eliminate the bond and requirement of permitting for the group 1 in the residential zoning.

**Ms. Cromwell** said if the Commission makes a recommendation, the commissioners will review that recommendation. She clarified that the uses are different than a sign restriction. The use is different in that you can modify the restriction of a use based on the zoning of the lot.

**Commissioner Littler** clarified the difference with the temporary use and the seasonal permit. He suggested that we eliminate the bonding and require the temporary use permit for all of them.

**Chairman Heinrich** asked if staff had objections to not requiring the bonding.

**Ms. Cromwell** said staff had no objection to eliminating the bond for a use that was less than 60 days.

**Commissioner Littler** said he felt it would be important to keep a record of the permits and locations of the temporary use. He said that we should be consistent and everyone should have a permit for any type of temporary use regardless as to if you are in residential, commercial inside the City or out of the limits.

**Vice-Chair Musselman** concurred with Commissioner Littler.

**Chairman Heinrich** asked if there was anyone in attendance wishing to speak in favor of or in opposition to the proposed text amendment.

*The public hearing was opened at 5:11 p.m.*

There were none.

*The public hearing was closed at 5:15 p.m.*

**Motion:**

***On a motion by Commissioner Littler, seconded by Commissioner Cook and passed by a 5-0 voice vote, the Commission will forward a recommendation to approve the proposed change per staff recommendation with the modification to eliminate bonding for all temp use permit applications, and require permits for all group 2 and 3 uses.***

**Other Business:**

**Chairman Heinrich** asked to have staff to research the approval of specific types of chain link fencing.

a. Meeting Location:

**Chairman Heinrich** suggested we relocate the meeting to the Parmly Library/City offices 4<sup>th</sup> floor conference room. There is an option to move the meeting to the 3<sup>rd</sup> floor if a crowd was anticipated.

**Adjournment:**

The meeting was adjourned at 5:21 p.m.

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**Oscar Chairman Heinrich, Chairman**

**ATTEST:**

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**Karen Miller, Planning Clerk**